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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09.755,480	01 05 2001	Michael L. Scherbarth	P1018	5092

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CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER
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ZARNEKE, DAVID A

ART UNIT	PAPER NUMBER
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2827

DATE MAILED: 05.06.2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/755,480

**Applicant(s)**

SCHERBARTH ET AL.

**Examiner**

David A. Zarneke

**Art Unit**

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 1-16-03 have been fully considered but they are not persuasive.

Applicant presents several arguments that state that Hirschi is not analogous art and therefore cannot be used as prior art. These arguments will now be addressed.

Applicant asserts that the examiner was incorrect in stating that the coffee creamer package of Hirschi solves a different problem than the present invention. The packaging of Hirschi is used to contain an item and the present invention's packaging is removed from an item so as to not damage the item. The key difference being that present invention is more directed towards an IC product than IC packaging, which means encapsulation. Regardless, lead frame treatment is not even a packaging area, it is a preparatory step leading to packaging.

Further, Hirschi is concerned with containing a liquid product and discarding the packaging while the present invention is concerned with protecting a solid product with a resistive tape attached thereto.

The examiner asserts that, as stated in the previous office action, both Hirschi and the present invention solve similar problems. Namely, they both allow access to an article (an IC and a coffee creamer container) using an easy to remove release film that

covers the article. They both allow easier film removal by forming an area of material alteration in the article.

The examiner disagrees with claim the claim that the present invention is outside the packaging area and that packaging means encapsulation.

Packaging is a broad area that encompasses a lot more than just encapsulation. Regardless of the definition of packaging, the present invention actually fits into the concept of encapsulation and therefore your definition of packaging. As stated in the specification on page 3, lines 8+, the present invention involves applying tapes to lead frames to control mold flash and resin bleed during molding, which is encapsulation. Therefore, the present invention fits into your definition of packaging.

Applicant further argues that one of ordinary skill in the art would not have been motivated to search in the coffee creamer art to solve IC Packaging problems.

The examiner asserts the belief that one of ordinary skill in the art would consider looking at the methods used in other packaging areas to solve problems within the IC packaging area. The problems encountered in packaging are similar, regardless of the specific area of packaging one is working in. Therefore, one of ordinary skill in the art would be motivated to look in other packaging areas to see how they solved packaging problems.

Specifically, when one is looking for an easier way to peel off tapes or tape-like covers, one would look to see how others have achieved this, regardless of the packaging area. Which means that how coffee cream package makers solved the

problem of how to allow easier peeling of a cover off of the container would apply to how IC package makers solved the problem of how to peel a tape off of a lead frame.

***Claim Rejections - 35 USC § 103***

For at least the reasons cited above, the 35 USC § 103 recited in the previous office action is still stands as written.

Specifically, claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Hirschi, Swiss Patent 672,624.

Applicant's admitted prior art teaches a lead frame apparatus comprising:

- a flat thin conductive material for forming a lead frame,
- a strip of adhesive material attached to one side of the lead frame and having the same dimensions as the lead frame, and
- a plurality of die-attach pads arranged on the side opposite of the adhesive material for receiving IC packages for encapsulation.

Applicant's admitted prior art fails to teach at least one geometric area of alteration located at either frame end to enable a user easy access to the adhesive material for the purpose of removing it from the lead frame.

Hirschi teaches a coffee cream container comprising a tab (5) extending from the container having a perforated severing line (7), wherein a cover portion (4) is removed from the container portion (2) by breaking the tab along the perforated severing line and peeling off the cover.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the perforated severing line of Hirschi in Applicant's admitted prior art because cover removal using this method makes gaining entry into the container quicker and easier.

Regarding claim 2, Applicant's admitted prior art teaches the use of a thermal resist tape.

With respect to claim 3, Applicant's admitted prior art teaches the thermal resist tape as having the same dimensions as the lead frame.

As to claim 4, Hirschi teaches a perforated tab portion (5).

Regarding claim 5, the shape of the geometric area of alteration is an obvious matter of design choice. Design choices and changes of size are generally recognized as being within the level of ordinary skill in the art (MPEP 2144.04(d)).

With respect to claim 6, the area the geometric area of alteration covers is an obvious matter of design choice. Design choices and changes of size are generally recognized as being within the level of ordinary skill in the art (MPEP 2144.04(d)).

As to claim 7, when transplanting the idea of Hirschi to Applicant's admitted prior art, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the perforated line formation in the lead frame as being formed using an etching technique (MPEP 2144.05(b)).

Regarding claims 8 and 9, the use of conventional materials to perform there known functions in a conventional process is obvious. In re Raner 134 USPQ

343 (CCPA 1962). The area of alteration being an area having an absence of material is commonly known. Individual coffee cream containers, yogurt containers or butter containers found in restaurants and on airplanes are known to have an area not having any material to allow easy access to the adhesively applied cover.

As to claims 10-14, it would have been obvious to one ordinary skill in the art at the time of the invention to optimize the shape of the altered area and the number of altered areas (MPEP 2144.05(b)).

Regarding 15, Applicant's admitted prior art teaches the use of heat to aid in the removal of the adhesive material.

With respect to claim 16, the use of conventional materials to perform there known functions in a conventional process is obvious. In re Raner 134 USPQ 343 (CCPA 1962). A hot plate is a conventional, commonly used heat source that is notoriously well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Zarneke whose telephone number is (703)-305-3926. The examiner can normally be reached on M-F 10AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (703)-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-

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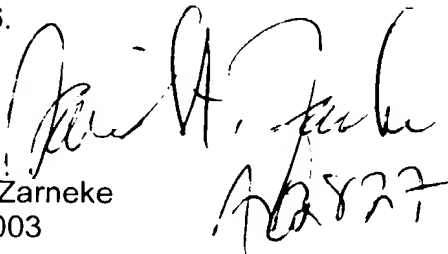
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308-7722 for regular communications and (703)-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

David A. Zarneke  
May 5, 2003

A handwritten signature in cursive script, followed by the number 2827 written in a similar style.